

## Region 5 Indian Environmental Office

### Weekly Significant Activities Report

November 20, 2010

#### Regional Indian Coordinator (RIC) Conference call

The Bi-weekly RIC call was held Thursday November 18, 2010. The following Items were discussed:

- Luke Jones announced that on December 16, 2010, President Obama will host the **White House Tribal Nations Conference**. AIEO will be sending an official request for significant issues that the Tribes may raise at the conference. These should be broad issues, such as climate change, and must be transmitted from the RA/DRA level.
- The new **grant policy for managing Unliquidated Obligations** (ULOs) was briefly discussed by Luke Jones, primarily as an FYI. This policy establishes procedures for managing Unliquidated Obligations under EPA assistance agreements, including grants, cooperative agreements and fellowships. It also includes provisions to further the timely progress (new terms and conditions for assistance agreements awarded after December 1, 2010) of work under EPA assistance agreements. Any comments on the policy should be sent to the Lead Region coordinator, Peter Murchie.
- Mike Stahl gave a brief summary of items discussed (NTOC reinvigoration, tribal consultation, data needs and gaps) at the National Tribal Caucus meeting recently held in Albuquerque, NM. The Tribes had some issues with the membership options in the AIEO draft recommendation's report and will be submitting written comments to AIEO. It was also the consensus of the tribes that the NTOC should focus on broad national policy issues. The outstanding question regarding consultation was "what constitutes good tribal consultation". The tribe's definition of good consultation included (1) early involvement, (2) right level of involvement, and (3) "involving" rather than just "informing". The AIEO has reviewed all comments on the draft policy and do not expect any significant changes. The plan is to publish the consultation policy before the White House Tribal Nations conference in December. The Regions were advised to expect, very soon, a memo from the Deputy Administrator requesting designation of the region's Tribal Consultation Advisor. Regarding data, Mike stated that because of an apparent lack of data (results/achievements) the agency has a hard time telling our tribal story in a compelling way. He stated that the tribal program may be vulnerable (budgets, etc.) if we are unable to tell a compelling story. The regions agreed with Mike, however, there was some concern about how we talk about capacity building in a compelling way. Mike

wants to initiate an inventory of current data that can be used to tell our story.

- AIEO announced that they were concerned that the Multi Media Tribal Initiative grant program may never get authorized by the new Congress. AIEO also informed the RICs that the 2012 budget is not clear and they are bracing for significant budget cuts.

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### **67th Annual NCAI Convention:**

The convention was held in Albuquerque, NM on November 14 -19, 2010. A concurrent breakout session was held on "Making Consultation Work for Tribes: Assessing Current Methods, Improving Accountability, & Sharing Information. NCAI presented a summary of how the organization was supporting tribes nationally with sufficient knowledge and resources to meet the demands of the recent increase in the number of formal consultation sessions on a broad array of issues. New Mexico tribes discussed their successful approach to consultation with the state of New Mexico. The tribes also were told to consider asking for consent not just limiting the discussion to consultation. A number of tribes also noted that OMB was never at the consultation table. The U.S. Forest Service held a "Tribal Consultation: Forest Service National Planning Rule", which received a great deal of complaints because tribes were not given the appropriate time to participate. This rule will guide Forest Service land managers in the context of social, cultural, economic and environmental sustainability. In addition, a session was held on a "Roundtable on Impact of off Reservation HUD Projects & Consultation Requirements. This session focused on the obligation of the U.S. Department of HUD under the National Historic Preservation Act to consult with tribes with regard to off - reservation, non - Indian housing projects, when those projects could affect tribal cultural properties.

A session was held on "Securing Tribal Access to Water in a Changing Climate". This session covered questions such as, what are some of the changes to water supplies that are occurring now and are predicted to occur due to climate change. How will those changes impact tribes? What can tribes do to secure their rights and access to water to serve their economies? It was noted that the tribal share of various federal government climate change programs was not equitable. A number of initiatives have been started due to climate change impacts. Through DOI's Secretarial Order 3289, the interior Department began a Climate Change Adaptation Initiative in September 2009. Also the U.S. Fish and Wildlife Service have started developing Landscape Conservation Areas. In addition the National Tribal Environmental Council, the National Wildlife Federation and their tribal partners propose a study to assess the feasibility of creating Tribal Conservation Areas, which would be a national system. It is envisioned that these areas would interrelate with the USFWS efforts.

Region 5 tribes proposed the following resolutions for NCAIs' support: Resolution # ABQ-10-079, which calls on legislative and regulatory bodies of the State of Michigan and the US Government to take prompt action to protect the ecosystem of the Yellow Dog Plains against the potentially devastating effect of this type of mining operation and to hold Kennecott Eagle Minerals, to the letter of the law for this permitted mining operation. Resolution #ABQ-10-077, which calls on preventing watershed pollution with the 1854 Ceded Territory by enacting enforcing rules affecting Polymet and other sulfide mining proposals. Both resolutions were forwarded from the Environmental Protection & Land Use Subcommittee to the Land & Natural Resources Committee for final action.

Kimberly Teehee, the White House Domestic Policy Advisor for Native American Affairs, announced that a second White House Tribal Leaders Summit will be held on December 16, 2010. The expectation is that a policy agenda will be drafted at this gathering. This may include a strengthening of tribal colleges and flexibility in funding for native language preservation.

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